

EXHIBIT 129

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

STATES OF NEW YORK,
MASSACHUSETTS,
WASHINGTON, COLORADO,
CONNECTICUT, DELAWARE,
DISTRICT OF COLUMBIA,
HAWAII, ILLINOIS, IOWA, NEW
MEXICO, NORTH CAROLINA,
OREGON, PENNSYLVANIA,
RHODE ISLAND, VERMONT, and
VIRGINIA,

Plaintiffs,

v.

DONALD TRUMP, in his official
capacity as President of the United
States; U.S. DEPARTMENT OF
HOMELAND SECURITY; ELAINE
C. DUKE, in her official capacity; U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES; U.S. IMMIGRATION
AND CUSTOMS ENFORCEMENT;
and the UNITED STATES OF
AMERICA,

Defendants.

CIVIL ACTION NO. 1:17-cv-05228
(NGG) (JO)

DECLARATION OF BASIL I. GOODEN

Pursuant to 28 U.S.C. § 1746(2), I, Basil I. Gooden, declare as follows:

1. I am the Secretary of Agriculture and Forestry for the Commonwealth of Virginia. In this capacity, I work to support the Governor's mission of building a new Virginia economy in agriculture and forestry, two of Virginia's largest private industries. I am also responsible for overseeing the Virginia Department of Agriculture and Consumer Services (VDACS).¹ I have personal knowledge of the matters set forth below or have knowledge of those matters based on my review of information and records gathered by employees of VDACS.
2. Virginia's agriculture and forestry industries have a combined annual economic impact of \$91 billion and provide more than 442,000 jobs in Virginia. Every job in agriculture and forestry supports 1.7 jobs elsewhere in Virginia's economy. According to a 2017 economic impact study by the University of Virginia's Weldon Cooper Center for Public Service, production agriculture employs nearly 54,000 farmers and workers in Virginia, and generates approximately \$3.8 billion in total output.² In addition, value-added industries, those that depend on farm commodities, employ more than 69,000 workers. When the employment and value-added impact of agriculture and forestry are considered together, they make up 9.5 percent of the state's total gross domestic product. In addition

¹ The responsibilities of the VDACS include promoting the economic growth and development of Virginia agriculture and forestry, including certifying pesticide applicators and issuing pesticide business licenses in Virginia, and regulating food manufacturing businesses, including retail food establishments in Virginia.

² Rephann, T.J. (2017, May). The Economic Impact of Virginia's Agriculture and Forestry Industries. Weldon Cooper Center for Public Service, University of Virginia. Retrieved from <http://www.vdacs.virginia.gov/pdf/weldoncooper2017.pdf>. See also <http://www.vdacs.virginia.gov/markets-and-finance-agriculture-facts-and-figures.shtml>.

to its tangible benefits such as farm cash receipts and jobs, agriculture provides many intangible benefits. These include recreation, tourism, wildlife habitat, biodiversity, flood mitigation, improved water quality and soil stabilization.

3. A report by the Migration Policy Institute (MPI), an independent, nonpartisan, nonprofit think tank that provides analysis of migration policies, estimates that 14,000 individuals enrolled in the Deferred Action for Childhood Arrivals (DACA) program work in farming, fishing and forestry occupations in the United States.³ This estimate represents about 3.6% of all individuals employed in farming, fishing and forestry occupations. Based on an extrapolation of the figures published in this MPI report, VDACS estimates approximately 1,944 of Virginia's 12,100 DACA recipients are likely employed in primary agricultural production.⁴
4. Several agriculture and forestry business owners, including in the area of logging, crop farming, and elsewhere, have expressed dire concern to me directly about their fear of losing their DACA enrolled employees with the termination of the DACA program. Because agriculture and forestry are two of Virginia's largest industries, the loss of DACA workers in this sector would have significant harmful impacts on both individual businesses and the Commonwealth's overall economy.
5. Annually, VDACS certifies approximately 6,500 private applicators, 7,000 commercial applicators, and 7,500 registered technicians to apply pesticides in Virginia. Based on the

³ Capps, R., Fix, M., & Zong, J. (2017, August). The Education and Work Profiles of the DACA Population, page 9. *Migration Policy Institute*. Retrieved from <http://www.migrationpolicy.org/research/education-and-work-profiles-daca-population>.

⁴ This estimate does not include DACA recipients employed in Virginia's forestry or fishing sectors.

occupational profile of DACA participants in the 2017 MPI report, a certain percentage of these pesticide applicators are projected to be enrolled in DACA. The loss of DACA participants in the pesticide sector would be detrimental to agricultural production in Virginia, pesticide businesses, homeowners, and result in a loss in revenue to VDACS from fees collected.

6. The August 2017 MPI report also estimates that approximately 16% of DACA recipients are employed in food preparation or serving operations nationally. There are more than 13,000 food based businesses under VDACS inspection. Since 2006, companies in the food and beverage sector have invested \$1.9 billion in Virginia. This sector would be face significant negative consequences by the loss of DACA participants.
7. The DACA eligible population in Virginia contributes significantly to the economic growth and development of Virginia's agriculture, forestry, and food-based industry. If DACA protections were lost as a result of the repeal or rollback of the DACA program, Virginia's economic growth and development in the area of agriculture, forestry and food manufacturing businesses including retail food establishments, would likely be harmed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on: September 27, 2017


Basil F. Gooden